USAID/NDI Joint Parliamentary Assessment Mission

March 6-13, 2002
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I. EXECUTIVE SUMMARY

Under Cooperative Agreement 114-A-00-00-00081-00 with the United States Agency for International Development (USAID), the National Democratic Institute for International Affairs (NDI) is conducting a 3-year democratic development program in Georgia. The current program, which ends on May 31, 2003, includes four components: parliamentary strengthening, political party development, citizen participation and local government.

A number of significant political developments occurred in the fall of 2001 that impact the focus of our parliamentary program, including the resignation of President Shevardnadze as Chair of the Citizens Union Party. Attempts by the Ministry of Security to search the most popular independent television station, Rustavi 2, sparked major public protests. These protests led to the dissolution of the entire government, the further factionalization of parliament, the loss of a parliamentary majority, and the resignation of the Speaker of Parliament. Because of these political developments and concerns about NDI's program direction and previous workplan submissions, USAID and NDI agreed to conduct a joint assessment to review programming opportunities with parliament in the remaining months of the current cooperative agreement with NDI.

The assessment was conducted from March 6 – 13, 2002, by Keith Schulz, the USAID Democracy Fellow for Legislative Strengthening, and Scott Hubli, NDI's Senior Advisor for Governance. The assessment team met with the leadership of most of the main parliamentary factions, with a number of key committee chairs, with members of parliamentary staff and with a number of journalists and representatives from nongovernmental organizations. It is clear that the political developments of last fall have significantly affected the political landscape and the situation in parliament. On the positive side, the loss of a parliamentary majority and factionalization of parliament has increased levels of political competition. However, given the lack of formal rules and norms to effectively channel and regulate this competition, there also has been a reduction in the political accountability of the Parliament. The complexity of the current political situation makes it difficult for citizens to follow political developments and fuels the public perception that Parliament is simply a platform for individual politicians to advance their personal interests. A number of political factions seem to be working against their publicly stated positions and all factions are trying to avoid the political accountability that comes with being in the majority. Given this lack of accountability, the potential for corruption in parliament has increased.

The assessment team recommends three general programmatic approaches for strengthening political accountability in this highly factionalized political environment. In each of these approaches, the assessment report suggests a series of specific activities, the risks associated with these activities, and a strategy for implementing the activities and methods of assessing programmatic success. First, the assessment team recommends activities to develop skills and mechanisms that support the formation of coalitions around key democratic reform issues. This approach focuses on building political accountability by working with the factions within parliament. Second, the assessment team recommends activities to encourage greater external public pressure on parliament to increase political accountability. The recommendations in this report focus on broadening access to parliamentary information, largely through the use of existing parliamentary information technology infrastructure. This approach, focusing on broadening parliamentary transparency, addresses only the "supply-side" of the equation. Currently, USAID has a pending request for applications (RFA) to promote greater citizen advocacy; the recommendations in this report are dependent upon the success of the work under the RFA to effectively translate this broadened transparency into targeted public pressure for greater political accountability. Third, the assessment team recommends a series of activities to strengthen committees and to support the institutionalization of public hearings – providing a mechanism for channeling public input into the political process. Although certain committees regularly hold public hearings, these hearings function more to generate press coverage of discussions among politicians than to obtain broad-based citizen input. The assessment report concludes with a brief discussion of issues that should be explored in developing future programming with the parliament.

II.   USAID STRATEGIC OBJECTIVES IN GEORGIA

A.   *Overview of the USAID Strategic Framework*

The USAID/Georgia Mission's Strategic Plan for the period of FY 2000 to FY 2003 calls for improvement on five fronts. Strategic Objective (S.O.) # 1.3 provides for Accelerated Development of Growth of Private Enterprise. S.O. # 1.5 calls for a More Economically Efficient and Environmentally Sustainable Energy Sector. S.O. # 2.2 provides for Legal Systems that Better Support Implementation of Democratic Processes and Market Reform. S.O. 2.3 would develop More Efficient and Responsive Local Government. S.O. 3.1 would Reduce Human Suffering in Targeted Communities. In addition, addressing corruption is an issue and objective that cuts across all of the Mission's strategic objectives. Parliamentary assistance activities chiefly fall under S.O. # 2.2 and more specifically under two Intermediate Results (I.R.): I.R. 2.2.2 – Effective, Transparent, and Fair Public and Private Legal Sector Institutions; and I.R. 2.2.3 – Policies, Laws, and Regulations Promoting Democratic Processes and a Market-based Economy.

B. **_Opportunities for Inter-sectoral Linkages and Improved Programmatic Coordination_**

Parliamentary assistance also can be linked to the Mission's other strategic objectives thereby contributing not only to the overall attainment of S.O. # 2.2, but also to the attainment of other strategic objectives. While it is necessary and important for the Georgian Parliament to continue to develop as a democratic, parliamentary institution it also must address the complex economic, political, and social issues confronting Georgia. Thus, the NDI parliamentary assistance program must have an appropriate dual purpose – to assist with the process of systemic change within Georgia, while supporting more effective and transparent parliamentary practices and improvements in the parliament's capacity to fulfill its democratic functions.

NDI can do this by coordinating and integrating its work with the work being performed by other USAID implementing partners working under S.O. # 2.2 or other strategic objectives. This pertains primarily to issues and problems that are, or would be expected to be, addressed by the Parliament during the time period of the Mission's current strategic plan, whether through consideration of draft legislation on the subject, the revision of existing legal or regulatory frameworks, or the oversight or monitoring of the implementation or operation of a law or government program. Among the intermediate results contained in the Mission's strategic plan where parliamentary action could be expected are:

- **I.R. 1.3.2.1:** Improved Policy, Legal and Operating Environment for SMEs
- **I.R. 1.5.2:** Legal and Regulatory Environment More Conducive to Private Investment in the Energy Sector
- **I.R. 1.5.3:** Environmentally Sound Laws Adopted and Implemented in the Energy Sector
- **I.R. 2.3.2.1:** Legal Authorities of Local Government Established
- **I.R. 2.3.2.2:** Better Defined Roles of Local and Central Government

NDI's responsibility should be, in coordination with USAID's other implementing partners, to work with members, staff, committees and/or factions of the parliament to ensure two objectives: one, that parliamentary actions are open and transparent, and two, that parliament has the ability to address and respond to laws or issues that relate to the above listed intermediate results in a manner that is effective, inclusive and participatory. This represents the "supply side" of the relationship between government and citizens. On the "demand side," other USAID's programs are working to support advocacy-oriented NGOs to improve their abilities to effectively articulate and advocate their views and opinions to members of parliament. USAID/Georgia's new civil society advocacy program will complement NDI's parliamentary efforts by ensuring that the interaction between both sides of the supply and demand equation – the parliament and the public – is strengthened. The assessment team understands that NDI intends to respond to this RFA; however, if another implementing organization is chosen, NDI should coordinate closely with the implementing organization with respect to

advocacy efforts directed at parliament. For example, if NDI supports the organization of public hearings on an issue that is covered by advocacy organizations supported under the RFA, NDI and the organization that is implementing the RFA should explore ways to work together to enable these advocacy organizations to participate effectively in the public hearing.

Other areas for greater synergies between NDI and other USAID implementing partners include legal drafting and media training. World Learning will be providing training for legislative drafters from both the Executive and the parliament. Media training will be provided by both the International Center for Journalists (ICFJ) and Interviews which are implementing training programs for journalists. NDI can bring a parliamentary perspective to these programs to ensure that the training and technical assistance provided by these organizations is relevant to the workings of the parliament. For example, discussions with many people during the assessment indicated that the quality of the media coverage of the parliament was relatively poor, with much of the coverage focused on personalities and conflict rather then the substance of the policy issues being considered by the parliament. As part of ICFJ's and Internew's media training work, NDI could provide technical expertise on how to improve media coverage of parliaments so that journalists can provide better, more substantive and balanced coverage of parliamentary proceedings.

Although NDI should make efforts to increase its level of coordination with other USAID implementing partners, NDI is concerned that the political access that NDI currently enjoys will be diluted, if it is used simply to provide access for other implementing partners.   This is in neither USAID's nor NDI's interest. Where NDI's political partners express reluctance to work with other USAID implementers, NDI needs to remain responsive to its partners in parliament, to maintain the relationships that have been developed over seven years of work in Georgia, and to achieve the objectives of the current cooperative agreement. In areas where NDI has concerns about cooperation in a particular area, NDI should immediately communicate with USAID regarding the areas of concern and work together with USAID to find acceptable alternative approaches for addressing the issue.

III.   BACKGROUND

A.   *Political Background*

Within USAID's strategic framework, the priorities for parliamentary programming have shifted over time. During the assessment mission, the USAID mission expressed a revised set of priorities for the various components of NDI's Georgia program. The mission gave parliamentary strengthening the highest priority, followed closely by the political party, civil society and local government components. This is a change from the prioritization expressed by the mission in late 2001 and seems justified within the current political context. There is often a greater opportunity for positive democratic reform, or an increased risk of movement toward less democratic models of

governance, or both, in governance systems that are experiencing a high degree of political fluidity. The current political situation in Georgia is relatively fluid and warrants continued, if not strengthened assistance for democracy and governance programming, particularly political party and parliamentary assistance.[1]

Political events over the last six months have clearly demonstrated this political fluidity. Internal conflicts within the ruling Citizens' Union of Georgia (CUG) party led to the resignation of President Shevardnadze from the CUG Chairmanship in September 2001 and, eventually, to the dissolution of the CUG-led parliamentary majority faction. In October 2001, attempts to search the most popular independent television station, Rustavi 2, sparked major public protests. Thousands demonstrated to demand the resignation of several ministers and the President, demonstrating the ability of citizen activism to serve as a significant check on threats to political freedoms. The Minister of Interior and the Minister of Security resigned; President Shevardnadze then dissolved the entire government. The Parliamentary Speaker, Zurab Zhvania, also resigned in part to quell rumors that he was orchestrating a take-over of the government. In November 2001, the Parliament elected Nino Burjanadze to replace Zurab Zhvania. Nominated by the Traditionalist Party, Burjanadze is considered an ally of reformers in the CUG, and has the tacit support of President Shevardnadze.

The fallout from these events continued through the time of the assessment, as parties and factions maneuvered for position in the more fluid environment. In late November, the parliament rejected, by a margin of 119-11, a proposal from President Shevardnadze to reduce the number of ministries. Confirmations of ministers occurred in stages throughout November and December, and debates between reformers and the Shevardnadze administration pressured the President to reconsider certain nominees. After confirmation by the Parliament, the Prosecutor-General appointed Badri Bitsadze, the husband of the new Speaker of Parliament, as his deputy. Despite Bitsadze's 20 years of service with the Prosecutor General's office, the leader of the New Right parliamentary faction argued that the Prosecutor-General should be dismissed for colluding with the Speaker of Parliament, Nino Burjanadze, to name her husband as his deputy. This dispute created a three-month boycott of plenary parliament sessions by the New Right Faction, which only ended on March 13, 2001, the last day of the assessment mission. Shortly before start of the assessment, the National Security Council Secretary Lieutenant General Nugzar Sajaia, a close ally of President Shevardnadze, was found

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[1] Obviously, changes in political systems almost never involve linear progressions from one governance model to another, much less unidirectional movement from an authoritarian model to a democratic one. Although the nonlinearity of political transitions, by itself, says very little about the merits of providing assistance to promote reform within a given governance system, it does imply that democratic reform efforts need to be closely tailored to the specific political dynamics in a given governance system. In NDI's experience there is often a greater opportunity for positive democratic reform, or an increased risk of movement toward non-democratic models of governance, or both, in governance systems that are experiencing a high degree of political fluidity. The USAID mission mentioned that that the recent article by Thomas Carothers, *The End of the Transition Paradigm,* Journal of Democracy, Volume 13, Number 1, January 2002, had caused a significant amount of discussion within the mission. To listen to an audio recording of a recent roundtable discussion regarding the article featuring the article's author and NDI's President, Ken Wollack, see the website of the Carnegie Endowment for International Peace at: http://www.ceip.org/files/events/democracy-paradigm.asp?pr=1&EventID=439.

dead of an apparent suicide. This event has had a degree of political fall-out, with the Chairwoman of the Parliamentary Committee on Human Rights, Elene Tevdoradze, testifying to the Prosecutor General that the death was linked to a defamation campaign by Russian intelligence. This event resulted in some renewed efforts to pass strict criminal libel provisions.

This relatively high degree of political fluidity is likely to continue through the presidential elections scheduled for 2005 when President Shevardnadze is expected to leave office. While his authority and mandate to rule the country seem to be in decline, the President retains control over the tools of government. However, he has not focused on preparing the country for an orderly transition to a successor. To increase the likelihood of an orderly, democratic transition, parliament and political parties will need to operate more effectively. The elections scheduled over the next three years are likely to be critical in the future development of Georgia's system of governance. There are significant concerns relating to the legal framework and the administration of these elections. A second round of local government elections, scheduled for November 2001, has been postponed until June 2002. At the time of the assessment mission, no political agreement has been reached on the composition of the electoral commission or on the question of whether and how local *gamgabeli* (governors) are to be elected. Although constitutional reform issues seem likely to remain in the background in the near term, they may resurface before and after the 2003 parliamentary.

This political fluidity takes place during continuing territorial problems, difficulties with ethnic and religious minorities, growing corruption, and worsening standards of living, which present further challenges to additional democratic reform. Georgia has made little progress in integrating its regions or creating economic security for its citizens. Basic services such as electricity, water and sewage remain problematic. Corruption continues to be a significant issue and the dynamics of political scandal add additional potential instability in the system. It is important that democratic reform programming be able to react quickly to developments in the political system.

B.   *Program Background*

NDI first opened a field office in Georgia in August 1994. Since then, NDI has worked closely with the previous Speaker of Parliament and with reform-minded legislators on a broad range of legislative programs. NDI's programs have contributed expertise to legislative debates by helping lawmakers research, draft, debate and enact legislation on topics including local government, election laws, anti-corruption, lobbying and freedom of information. NDI programs also have worked to promote increased transparency within the parliament. This resulted in the adoption of legislation that created a new legislative financial oversight body and requirement of financial disclosures by government officials. Although NDI's political party programs were not covered in the assessment, NDI has developed programs to enable the CUG, the National Democratic Party (NDP) and the People's Party (PP) to be more democratic and function within a transparent election environment over the last five years. NDI also has provided

limited assistance to the Socialist, Labor, Union of Traditionalist and Green parties. More recently, NDI has worked with the Industrialists and the New Right parties. This long history of political party work also has established a strong basis for its parliamentary programming.

Since the current three-year cooperative agreement began in June 2000, NDI has conducted a range of legislative programs, in addition to its political party, civil and local government work. In the fall of 2000, NDI conducted a formal parliamentary needs assessment. This assessment document was very helpful both by providing background for the current assessment mission and by providing a baseline measure against which changes and developments in the parliament could be measured. In August 2000, NDI held a conference on parliamentary oversight, focusing on weaknesses in current oversight capacity and mechanisms for strengthening executive oversight in the Parliament. Further activity in 2000 focused on facilitating dialogue between the Committee on Local Government and the district councils in several regions, including Kakheti and Samtskhe-Javakheti. The Committee Chair also made a presentation at the end of the final workshop to request revisions of the draft to reflect the councilor's concerns.

Parliamentary programming in 2001 addressed several institutional development issues. The first series of activities focused on improving the efficiency of the parliamentary process and increasing opportunities for civil society involvement. In February 2001, NDI sponsored a conference on legislative planning with parliamentary leadership, attended by the Speaker and Vice Speaker of Parliament and a majority of the committee chairs and faction chairs. Conference attendees discussed the divergence between legislative planning and legislative activities during the session. The current relative unpredictability of the parliamentary agenda acts as a constraint on greater citizen involvement. In March, at the request of the Chair of the Civic Integration Committee of Parliament, NDI held a conference with the members of the committee and leaders of local NGOs on civic integration in Georgia. In May and June, NDI held a range of consultations with the former Foreign Relations Committee Chair and current Speaker, Nino Burjanadze, to improve the public hearing process and to improve the efficiency of the committee's work. In July, in cooperation with the Caucasian Institute for Peace and Democratic Development, NDI organized a seminar on legislative reform of the Defense Ministry's budget process. In October, NDI held a workshop for faction leaders on parliamentary re-organization and revisions of the parliament's internal rules. The chair and deputy chair of each faction attended the workshop, as did the four Vice Speakers and then-Speaker, Zurab Zhvania. Working with Dato Darchiashvili, the Head of the Parliamentary Research Department, NDI provided a range of comparative examples of faction and committee formation from around the world. NDI held numerous follow-up consultations with faction leaders regarding their suggestions for committee reorganization.

A second group of activities focused on supporting parliamentary efforts to deal with key democratic reform issues, particularly the election law and President Shevardnadze's proposed constitutional amendments to establish a Cabinet of Ministers.

In May and June, an international advisory group of election law experts reviewed the Draft Election Code. In June 2001, NDI held a conference on constitutional issues and the proposed constitutional changes suggested by President Shevardnadze. The conference was facilitated by two international constitutional experts and attended by members of parliament, representatives from the Ministry of Justice NGOs and political parties. A planned follow-on workshop and roundtable on the proposed constitutional amendments creating a Cabinet of Ministers was postponed, given the political developments in the Parliament.

Given the concerns about the factionalization of Parliament, in early 2002, NDI supported the visit by a delegation of a group of reform leaders to the United States to help them develop a common agenda and voice. The delegation included the former Speaker, Zurab Zhvania, and Mikheil Saakashvili, for the Movement for Democratic Reforms. Given the anticipated political discussions during the delegation's visit to Washington, NDI supported the delegation's visit with its own non-federal funds. The delegation was generally effective in presenting a common front in their discussions and meetings.

IV.   ASSESSMENT AND CONSULTATIONS

There were several reasons for conducting a joint assessment of programming options, which was suggested by USAID and supported by NDI. First, given the political events of last fall, the time was ripe for a reevaluation of the direction of our parliamentary programs. As discussed in Section II of this report, the current political situation in Georgia is relatively fluid, and a reevaluation of programmatic direction seemed appropriate. Second, USAID had expressed concerns about previously submitted NDI parliamentary workplans; a joint review of programming options for parliament was suggested as a method for achieving a shared understanding of programmatic direction. Finally, NDI's Resident Program Officer on Parliamentary Programs, Keti Kutsishvili, completed her work with NDI in Georgia shortly before the assessment began. The assessment not only should help to inform future programmatic choices, but also should be useful as NDI evaluates the skill sets needed to support its parliamentary programs during the remainder of the current agreement.

The assessment was conducted from March 6 to 13, 2002 by Keith Schulz, the USAID Democracy Fellow for Legislative Strengthening, and Scott Hubli, NDI's Senior Advisor for Governance from NDI. The assessment team was joined in many of the meetings by Mark Mullen, NDI Country Director, and Scott Kearin, the Political Party Program Officer. Certain meetings also were attended by Dr. Cate Johnson, the Regional Director of the Office of Democracy and Governance for USAID/Caucasus. In addition to meetings with Dr. Johnson and NDI local staff, the assessment team met with the following individuals:

- **Philip Remler**, Charge d'Affaires Ad Interim, US Embassy
- **Peter Swavely**, Political Officer, US Embassy
- **Michael Farbman**, USAID Mission Director
- **P.E. Balakrishnan**, USAID Deputy Mission Director
- **Gene Gibson,** USAID, Democracy and Governance Officer, Rule of Law Programs
- **Ann Marie Bereschak,** USAID Legal Officer
- **Zurab Zhvania**, Former Speaker of Parliament
- **Rostom Dolidze**, Chair of Procedural Committee
- **Khatuna Gogorishvili**, Head of Parliament Apparatus
- **Davit Usupashvili**, IRIS
- **Davit Gamkrelidze**, Chair, New RightsFaction
- **Vakhtang Rcheulishvili**, Deputy Chairman, Georgian Parliament; President, Socialists Faction
- **Akaki Asatiani**, Chair, Traditionalists Faction
- **Mikheil Saakashvili**, National Movement
- **Valeri Gelbakhiani**, Revivals Faction
- **Levan Ramishvili**, Director of Liberty Institute (NGO)
- **Elene Tevdoradze**, Chair of Human Rights Committee
- **Sulkhan Meladze**, Head of Parliament Press Office
- **Paata Gigauri**, Head of Parliament Organizational Department
- **Niko Lekishvili**, MP, Citizen's Union of Georgia
- **Roman Gotsiridze,** Head of Budget Office
- **Merab Gotsiridze,** Head of Parliamentary IT Unit
- **Tiniko Khidasheli,** Georgian Young Lawyers Association
- **Levan Ramishvili,** Liberty Institute
- **Zurab Tkemaladze,** Head of Industrials Faction
- **Zurab Adeishvili,** Head of Legal Committee
- **Maiko Okruashvili,** Election Code Drafter
- **Ia Antadze,** Radio Liberty
- **Keti Khatiashvili,** Alia Newspaper
- **Nitsa Cholokashvili**, I Channel TV
- **Nicholas J. Dean,** First Secretary, US Embassy
- **Peter Mamradze,** State Chancellery Chief of Staff

The assessment consultations, particularly those with faction leaders, indicated a high degree of support for NDI's programs. The consultations were very frank and showed a significant amount of trust and good will. Participants expressed opinions on very politically sensitive issues, sometimes off the record, and gave fairly specific information on issues of corruption. With one exception, the assessment team was able to meet with all the individuals. Unfortunately, Nino Burjanadze, the Speaker, was traveling for much of the assessment period. Although she returned during the last few days of the assessment mission, these days were also session days. An attempt was made to schedule a meeting during a session break on the last day of the assessment; however,

this had to be cancelled, due to meetings necessitated by last-minute political developments. NDI's staff has met frequently with the Speaker, and the assessment team was able to learn, albeit second-hand, some of the Speaker's perspectives regarding the current situation in parliament and her priorities for parliamentary development.

This assessment report represents a joint effort between Keith Schulz, USAID Democracy Fellow for Legislative Strengthening, and K. Scott Hubli, NDI's Senior Advisor for Governance Programs. The recommendations contained in this report were developed jointly by both members of the assessment team, with significant input both from the USAID/Georgia and NDI's Washington and T'bilisi offices. Mr. Schulz took primary responsibility for drafting the Sections II and VI of this report; Mr. Hubli took primary responsibility for drafting Sections III and IV of this report. Section V was prepared jointly.

V.   PROGRAMMATIC RECOMMENDATIONS

As noted in Section II, there is often a greater opportunity for positive democratic reform, an increased risk toward less democratic models of governance, or both, in governance systems that are experiencing a high degree of political fluidity. Although there are several positive aspects to the developments of last fall, there are also significant risks where past democratic advances will be eroded. On the positive side, the demonstrations around the attempted search of Rustavi 2 shows a continuing level of civil society commitment to political freedoms that is absent in many other countries of the region. The splits with the CUG have increased political competition and present opportunities for the formation of a reformist-bloc that can more effectively challenge issues of corruption within the government.

However, the factionalization of Parliament also has weakened political accountability within the Parliament, presenting a number of challenges to democratic reform:

- Increased public cynicism of government. The number of faction leaders contributes to the perception that parliament is primarily a platform for individual politicians to advance their personal interests, rather than an institution for integrating citizen input into the policy making process. There are few demonstrations of cooperation among politicians to put the public good above individual interest. In the meetings with the journalists and civil society leaders, cynicism of government appears to be increasing. The perception of the effectiveness of the citizen demonstrations on Rustavi 2 are negative; with many observers focusing on the fact that many of the ministers in the new government were carried over from the last government, rather than on the replacement of the Interior and State Security ministers.

- Decreased parliamentary responsibility for policy. All factions find it convenient to avoid the political responsibility that comes with being in the majority or a united loyal opposition bloc. The President's levels of support are in decline, and it is easier for the various parliamentary groups to criticize existing government policy, without the responsibility of offering concrete, implementable proposals to improve it.

- Increased opacity of parliamentary politics. The complexity of the current political situation makes it difficult for citizens to follow political developments. During the assessment, some members joked about the difficulty of tracking the latest movements themselves. Several political factions seem to be working at odds with their publicly stated positions without significant adverse political consequences. For example, despite the avowed support for June local elections by almost all parties, most express pessimism that this will happen.

- Increased prevalence of vote-buying. Increased political competition creates possibilities for greater bargaining and compromise on issues. However, in a new institution that lacks systems for enforcing a public integrity regime, this political competition is largely unregulated and is likely to involve illegitimate, as well as legitimate, methods of obtaining needed votes. Absent party discipline as a check on vote-buying, the practice seems to have increased, although the increased political competition also has made abuses more transparent. Several parliamentary observers noted relatively overt vote-buying in connection with the budget; others mentioned vote-buying in the context of recent amendments in the tax law. One observer estimated the cost of certain tax law votes at approximately $10,000.

- Weakened political party institutions. The increase in the number of factions, parties and movements creates the potential for movement toward a system of "virtual" parties – where the statements and positions used by political parties are geared toward electoral success, but bear little relation to the positions adopted post election. Political consequences for this disconnect between election campaigns and post-election behavior are avoided through lack of broad-based citizen information, generalized public cynicism, corruption and the reconstitution and reorganization of parties in advance of the next election.

The assessment team recommends three general programmatic approaches for strengthening political accountability in this environment. With respect to each of three programmatic areas, this report provides background information, suggests a strategy and proposes activities, indicates the risks associated with the proposed strategy and approach, and proposes ways to evaluate programmatic success. First, the assessment team recommends activities to support the formation of coalitions around key democratic reform issues. This is essential for the promotion of reform legislation before the 2003

parliamentary elections and will help voters hold members of parliament accountable based on their position on key democratic reform issues. The focus of these activities is primarily internal to parliament. Second we recommend developing the preconditions for greater public pressure to ensure political accountability of members. This set of activities focuses on broadening access to parliamentary information (especially through the dissemination of voting records and financial information). This strategy seeks to build on prior USAID investments in parliamentary information technology infrastructure and seeks to lay the foundation for USAID's planned support for citizen advocacy. USAID has a pending request for applications (RFA) to promote greater citizen advocacy; NDI's work to broaden parliamentary transparency is dependent upon work under the RFA to effectively translate this broadened transparency into targeted public pressure for greater political accountability. The third approach involves committee strengthening, where these internal and external approaches meet -- particularly through strengthened public hearings as a mechanism for channeling public input into the political process.

A. *Coalition-Building Around Key Democratic Reform Issues*

Summary. Coalition-building is necessary to: 1) advance democratic reform legislation, or guard against threats to democratic reform in the period before new elections; 2) provide the basis for the development of electoral coalitions before the 2003 parliamentary elections; 3) halt the slide in public confidence in the Parliament as an effective government institution; and, 4) provide voters with clear information regarding the stance of parliamentarians on key reform issues in advance of the 2003 parliamentary elections.

Since all faction leaders expressed strong pessimism about the possibility of creating formal coalitions prior to the 2003 elections, NDI should focus its efforts on supporting the creation of clear, issue-based coalitions around key democratic reform issues, such as the election law, the local government law, constitutional reform and legislative rule reform. Given the current degree of factionalization and the lack of incentives to form coalitions, prospects for success are unclear. However, the extreme importance of the issue warrants continued efforts to build issue-based political coalitions. Given the number of variables affecting successful coalition building, evaluation of success should focus on measures of direct outputs (numbers of consultations, workshops, etc.) and subjective evaluations by political leaders regarding the usefulness of this assistance.

Background. The current parliament of Georgia, elected on October 31, 1999, is the third Parliament since independence, and the second since the adoption of the Constitution. Of the 30 parties and electoral blocs that competed in these elections, only three electoral blocs passed the 7 percent threshold needed to enter Parliament. The ruling Citizens' Union of Georgia (CUG), closely associated with President Shevardnadze, received approximately 40 of the vote. The major opposition bloc, the "Democratic Revival of Georgia", led by the ruling party of Georgia's Adjaran region,

earned 26 percent. The newly-formed "Industry Will Save Georgia" barely met the 7 percent threshold. The 75 single-mandate seats at stake were won by affiliates of these parties or blocs or, rarely, by independents. Since no elections could be held in the breakaway region of Abkhazia, ten MPs from that region were carried over from the previous parliament. A majority coalition was formed by CUG and originally consisted of three factions: the faction CUG, the Majoritarians, and the Abkhazia faction. These factions together held 150 of the 235 seats. The Revival bloc, with 50 members, formed a minority coalition of five factions. "Industry Will Save Georgia" remained an independent opposition group. These factions began to splinter relatively quickly after the elections. A few months after the election, the Abkhazia faction left the majority coalition. Near the end of first year of the parliament's term, a group of 10 MPs broke away from the CUG to form the New Faction.

The political developments of the fall of 2001 triggered further factionalization. At the time of this assessment, there were 14 separate factions, listed below with their approximate membership:

- Citizen's Union of Georgia (44)
- Regions of Georgia – Majoritarians (20)
- Abkhazia (11)
- Industrialists (13)
- Traditionalist (13)
- Revival (11)
- Socialist (11)
- United Georgia (12)
- XXI Century (10)
- New Right (18)
- New Abkhazia and Christian-Democrats (11)
- Alliance for New Georgia (17)
- Tanadgoma (Unanimity) (14)
- Movement for Democratic Reforms (11)

During the assessment, faction leaders expressed pessimism about the prospects for the formation of a formal coalition before the 2003 parliamentary elections. The current situation allows the various factions to maneuver for position in advance of the parliamentary elections and to avoid political responsibility that comes with having a parliamentary majority. Formal coalitions would decrease the political visibility of individual faction leaders in the pre-election period; this seems unlikely to happen except in the context of forming an electoral coalition. Indeed, many people expected further fragmentation, indicating that the current parliamentary rules allow for a maximum of 23 factions, given the ten-person minimum membership requirement. In some cases, members have negotiated deals to move to another political grouping to assist an allied political leader in meeting the minimum ten-person threshold.

In several meetings, rule reform or amendments to the law on factions was discussed to help consolidate members in larger political groupings. Ideas included

changing the minimum number of members and changing the benefits that accrue to political factions so that larger factions obtain a proportionally larger share of these benefits. Most faction leaders expressed pessimism about the likelihood of obtaining a political compromise allowing this type of reform before the parliamentary elections, although it is possible that recommendations could be made for adoption in the post-election parliament.[2]

Recommended Approach. The assessment team recommends the following approach with respect to coalition building activities:

- <u>Focus on issue-based coalition-building around democratic reform legislation</u>. The assessment revealed little likelihood of the formation of formal coalitions or the creation of a new parliamentary majority before the elections. However, the formation of coalitions around specific reform issues can help to lay the groundwork for the formation of electoral blocs and the development of formal coalitions in the post-election environment. Given NDI's areas of expertise and its limited resources, priority should be given to the promotion of coalitions around key democratic reform issues. These democratic reform issues are likely to include local government, elections and constitutional reform.[3] Although there was pessimism about significant legislative rule reform prior to the elections, if political openings for legislative rule reform occur, this also could be an appropriate area of emphasis. It is important to note that during the remainder of the current cooperative agreement, other key democratic reform issues will arise. For instance, a year ago, few would have predicted the attempted searches of Rustavi 2 or the proposal of strict criminal libel laws following the death of Sajaia. NDI should communicate with USAID as it sees new issues emerging where support for coalition-building is warranted.

- <u>Be responsive to partner requests for assistance</u>. Work on coalition-building can be a politically sensitive area for an international organization to provide assistance. If NDI is to work successfully in this area, it is important that the activities be driven by the expressed needs of its partners across the range of democratically oriented, reform-minded factions. In certain cases, being responsive to partner requests may place constraints on NDI's ability to coordinate with other USAID implementing partners. In these instances, however, NDI should immediately communicate these issues to USAID.

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[2]Rostom Dolidze (CUG), the Chair of the Procedural Committee, said that the rules were basically sound, but could benefit from revision in several areas: 1) oversight and control mechanisms, 2) committee structure and powers (including increasing the role of subcommittees) and 3) faction formation. Khatuna Gogorishvili, the Secretary General, also saw a need for the rules to be amended to address the situation where there is not a parliamentary majority. Both, however, were skeptical that rule reform could be successfully advanced in the current environment.

[3]Faction leaders differed slightly in their assessment of the likelihood of constitutional reform before the 2003 parliamentary elections. Although many indicated that constitutional reform issues might re-emerge as a topic of discussion after local elections, most thought that no action would be taken until after the parliamentary elections.

However, given these constraints, in situations where other USAID implementing partners have developed relations with certain political groups or other type of actors, or have substantive expertise and experience on specific issues around which coalition building can occur, NDI should make every effort to work with the these implementing partners to maximize efforts to bring as broad a cross-section of groups and actors to the issue as possible.

- <u>Focus on practical consultations rather than general workshops or seminars</u>. Although there may be an opportunity to conduct occasional workshops or seminars on specific aspects of coalition-building (e.g., negotiation skills, conflict resolution, coordination of communications strategy, etc.), the focus should be on delivering these skills through practical, one-on-one consultations. It is often difficult to engage political leaders on general process issues. Much of the work in supporting the formation of issue-based coalitions involves one-on-one consultations with partners to clarify areas of agreement, disagreement and potential compromise. In this context, providing the parties with additional options based on comparative legislation often can facilitate compromise. Where possible, NDI should seek to utilize existing parliamentary staff resources to help in developing potential compromise policy options.[4]

- <u>Seek to create political incentives for coalition building</u>. There are numerous ways to create political incentives for coalition building. During the assessment mission, NDI's political party program supported a press conference in Telavi where the regional council of political parties expressed support for June local elections. NDI should continue to provide hands-on training on communication strategy to help broad-based reform groups obtain political credit for comprise and coming together around democratic reform issues. Workshops or forums can be used to highlight the efforts of those working to form a coalition or to compromise on an issue and to put public pressure on those who resist engagement in good faith negotiations. It is our understanding that, following a series of one-on-one consultations, NDI facilitated an event shortly after the assessment mission, on Sunday, March 24, to highlight areas of agreement with respect to the local election law. Efforts along these lines should continue to be encouraged.

- <u>Supplement existing relationships by bringing in additional targeted political expertise</u>. NDI clearly benefits from the network of relationships that it has developed since opening its office in Georgia in 1994. Although this network is extremely important, NDI should seek to supplement these relationships with additional senior political expertise, to the extent possible within the

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[4]Although parliamentary staff turnover and low staff salaries remain a huge problem, there is still significant staff capacity within the Parliament. NDI successfully worked with the Head of the Parliamentary Research Department, Dato Darchishvili, in its seminar on comparative examples of faction and committee formation from around the world. These types of cooperative efforts should continue and should be encouraged.

current budget. The use of current or former politicians who have successfully brokered political compromises in politically factionalized environments would be helpful, either in the context of issue-specific programming or reassessing the longer-term staffing needs of NDI's office.

- **Consider targeted study tours for reform-minded groups exploring coalition arrangements**. In February 2002, NDI sponsored a delegation of four Georgian reform leaders, including Zurab Zhvania and Mikheil Saakashvili, to the United States as part of an effort to help them develop a common agenda and voice. Although the activity supported coalition-building efforts, NDI funded the delegation itself with its non-federal funds given the potential political discussion during this delegation's visit to the United States. NDI should explore the possibility of organizing a similar study tour around coalition-building issues for other targeted faction leaders that are exploring information coalition arrangements.

Proposed Activities. Unlike many areas of parliamentary development, issue-based coalition building for parliamentary factions does not lend itself to the advance planning of specific workshops or seminars. Activities to support issue-based coalitions are driven by the political timetable for that issue. In a very politically fluid environment, this timetable can be expected to change rapidly. As a result, it may not be useful for NDI to produce a workplan that contains a detailed calendar of coalition-building activities; however, in the absence of a workplan that contains dates for specific activities, NDI should work to improve current levels of communication with USAID regarding the development and planning of these activities.

In general, however, the activities that are recommended included: 1) on-going consultations on democratic reform issues, designed to identify areas of agreement and disagreement and to provide comparative information that can be used in developing options for compromise, 2) skills-building through these consultations on issues such as negotiation skills and communication strategy, and 3) support for events or workshops to highlight compromise to help strengthen political incentives for coalition formation and good faith negotiation. The level of activities will vary with the level of parliamentary activity; however, during the remainder of the cooperative agreement it is expected that there would be significant engagement on two or three democratic reform issues. On each of these issues, there would be a series of consultations with a broad range of factions and one or two more formal activities, such as the workshop held on March 24, 2002.

Risks and Evaluation. In the current highly factionalized environment, it is unclear whether the recommended coalition-building activities will succeed in promoting issue-based coalitions on key reform issues before parliamentary elections. Nonetheless, the importance of the issue to future parliamentary development is clear. Despite the uncertain prospects of success, the assessment team noted broad agreement from faction leader partners, the US Embassy and USAID, that support for coalition-building efforts should be a priority.

Because of the relatively high-risk context and the number of variables that impact the success of coalition-building efforts, USAID should evaluate these activities from several perspectives. USAID should focus on the inputs provided by NDI (the number of consultations, seminars and workshops, the provision of comparative information on specific democratic reform issues, etc.), as a way of measuring the level of effort. This can be complemented by subjective evaluations of the usefulness of these interventions by parliamentary faction leaders. Although developments in the promotion of issue-based coalitions should also be monitored it is also important that this information be accompanied by a narrative analysis explaining the range of intervening variables affecting the development of coalitions around a particular political issue.

B.   *Access to Parliamentary Information*

<u>Summary</u>.   Increasing public scrutiny of parliament is a second strategy for addressing the weakened political accountability caused by parliamentary factionalization. Although the Parliament is currently one of the more transparent government entities, there are still significant opportunities to broaden and deepen access to parliamentary information. The assessment team recommends a narrow set of activities to build on prior USAID investments in parliamentary information technology infrastructure and to lay the foundation for USAID's planned citizen advocacy project. Recommended activities include: 1) support for requests from the Speaker in creating a Speaker's website, 2) an assessment of the organizational policies and guidelines needed to put additional materials on the website, 3) support for implementation of those policies and guidelines, 4) exploration of minor improvements to the IT infrastructure, and 5) limited work to increase public awareness of the information on the website. This approach assumes that the civic advocacy strengthening done pursuant to the pending request for applications (RFA) will be successful in transforming increased information access into advocacy. Given this interdependency with the civic advocacy RFA, evaluation should focus on changes in information access, rather than on greater public pressure for accountability or on increased advocacy.

<u>Background</u>.   Parliament continues to be one of the most transparent governmental entities in Georgia.[5] Nonetheless, access to parliamentary information must be further deepened, as well as broadened, to provide the basis for broad-based citizen advocacy and to promote public pressure as a check on the decreased political accountability resulting from parliamentary factionalization. Access to parliamentary information needs to be deepened by increasing the accessibility of the following types of information.

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[5]There is generally gavel-to-gavel television coverage of the parliamentary sessions. The assessment team observed one public hearing during the assessment; the hearing, on a CUG proposal relating to local elections, calling for indirect election of governors (gamgabeli) by the local councils (sacrebulos), was held on March 11th at 3:00 pm. Several of the most active NGOs on this issue were present at the public hearing and there was significant representation from the press to cover the hearing. Reporters were conducting a number of individual interviews immediately outside the committee room and portions of the hearing session were videotaped.

- Voting Records. Given the number of factions and the tendency for them to form around personal rather than ideological connections, access to voting records is important if advocacy groups and citizens are to be able to track member's positions on issues. Increasing transparency of voting records can help to act as a check on the most blatant instances of vote-buying, if advocacy groups use these records to require MPs to explain unpopular votes or votes that are inconsistent with the MP's past voting history. It may be difficult to institutionalize systems for the publication of voting records on all votes, given the liberties that are currently taken with respect to quorum requirements. However, there may be opportunities to publish records on key reform votes to promote greater accountability and to establish a precedent for collecting and publishing voting records.

- Draft Laws, Amendments and Agendas. Although the Parliament's website contains copies of laws after they are adopted, it does not comprehensively provide copies of all intermediate drafts of legislation or of proposed amendments to these laws. Similarly, the website generally does not provide advance notice of committee and plenary agendas.[6]

- Financial Disclosure Information. The journalists we met were unaware of the election law financial disclosure provisions or the provisions requiring disclosure of member's financial interests. Even if these financial disclosure statements themselves are not made available on the website, information could be added describing the availability of these documents and the processes for accessing them.

- Staff Work Product. Despite significant problems with low salary levels and parliamentary staff turnover, there is still significant capacity within the Parliament's Budget Office and Research Unit. The Budget Office showed us some general publications that analyzed budgets from previous years that are not available on the parliament's website. More recently, the Budget Office conducted research on the impact of the proposed legislation pertaining to the President's authority to cancel certain debts or to extend debt relief from 3 to 15 years. Although these reports or analyses prepared by these staff units are occasionally circulated among interested NGOs or stakeholders, research memos and papers are not routinely made available to the broader public. Of course, guidelines would need to be established to protect confidentiality of certain research requests for individual members, however, generalized studies or research papers could be disseminated more broadly.

In addition to deepening the types of information available, access needs to be broadened and the transaction costs need to be lowered. Representatives from the media and from the more developed NGOs all indicated that generally they were able to obtain

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[6] Although there are also issues with respect to finalizing legislative and committee agendas further in advance, notice of these agendas after they have been set also presents a problem.

copies of all public documents that they wanted. However, most reported that they obtained copies of these documents through "connections" in the parliament, and that organizations without these contacts would have a much more difficult time obtaining desired information. Accredited journalists are able to gain access to some information through the Press Department.[7] Thus, both NGOs and journalists rely upon relationships with individual members and staff within the Parliament to access information. In situations where those relationships do not exist, access is an issue. Occasionally, NGOs resort to freedom of information provisions under the administrative code to obtain information regarding draft legislation or amendments that would, in more democratic systems, be made public as a matter of course.[8]

There are multiple reasons for supporting increased use of the parliament's website as an important strategy for addressing access to information issues. Recurrent costs for providing additional information need to be kept to a minimum; given that costs of printing or photocopying draft laws and amendments can present a real burden for the parliament. In discussing the various problems that he faces as a committee chair, one of the members we met with indicated that, on occasion, the Parliament economizes by limiting the number of copies of draft laws it produces for members of parliament. The issue of printer cartridges was highlighted in more than one discussion. The marginal cost of placing additional information on the Internet is very small. Moreover, the information needed for effective advocacy is extremely time sensitive; the internet provides a means of making information instantly accessible by anyone in the country with access to the internet. Although magazines or journals about parliamentary activities can be a useful component of a civic education program, production and distribution costs are high and it takes time to disseminate them through the mail or by other means.

Finally, much of the technological and human resource infrastructure needed to maintain and improve the parliament's website is already in place. Over the years, USAID has provided a significant amount of assistance in supporting the development of parliamentary information technology. Certain assistance was provided in 1996 and 1997 by the Parliamentary Human Rights Foundation, including some assistance in developing a website and the procurement of a limited amount of equipment. USAID also entered into a cooperative agreement from September 1996 through December 1998, with the National Academy of Public Administration (NAPA). This assistance included a study tour for some of the information technology staff, the procurement of roughly 90

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[7] In describing the Press Department's functions, the Head of the Press Department indicated the provision of information to the press was a significant part of his role. From 1995-1999, this Press Department produced a magazine about Parliament, however, due to financial constraints, this publication is no longer produced. He indicated that another role of the Press Department is to analyze the content of press coverage of parliament "for internal use"; he indicated his concerns about yellow journalism and how some representatives of the press are more objective than others.

[8] During our meeting with him, the Director of the Organization Department was interrupted by a staff member who needed the Director's signature to authorize the release of a legislative draft under the freedom of information provisions. In explaining his work, he gave this as an example of one of the functions of the Organization Department.

computers and the development of a database system for tracking legislative history. According to staff members interviewed during this assessment, this program was halted before all phases of the program were completed. Since that project ended in 1998, there has not been further USAID assistance in developing parliamentary information technology systems. When NDI conducted its parliamentary assessment in the fall of 2000, the assessment indicated a need to modernize the parliament's information technology systems. NDI's 2000 parliamentary assessment noted that many of the parliament's computers were outdated or not working and that not all computers were connected to the parliament's Intranet or to the Internet. The assessment also noted, however, that the parliament had a well-developed webserver and a legislative database accessible through both the Internet and the Intranet.

Although many of the issues identified in NDI's 2000 legislative assessment remain valid, some progress on parliament's information technology has occurred. The parliament's Director of Information Technology indicated that the parliament had purchased or received additional computers since the previous assessment. Although some are quite old, the parliament now has approximately 260 operational computers. Surprisingly, there does not appear (based on our superficial discussions) to be an issue of computers disappearing from parliament.   Until recently, only a portion of the Parliament's building was cabled for a network. As a result, roughly only half of the 260 computers have been networked. The remainder of the building has now been cabled and the remaining computers are currently ready to be connected to the network. According Director, the only reason that they are not networked is that he needs to purchase an uninterrupted power supply (UPS) system to ground the remainder of the network and protect it from voltage surges and power outages. He estimated the cost at roughly 250,000 Georgian Lari (approx. $1,100) for the system.

The Parliament's website appears to be updated regularly and is relatively-user friendly.[9]   The website contains a range of basic information about the structure of parliament, including parliamentary rules, member's committee assignments, the factional affiliation of members, member's telephone numbers, etc. However, content about parliamentary activities is more retrospective (information about past parliamentary sessions and actions, adopted laws, history of the institution, etc.) than prospective (information about future meeting agendas or topics, committee hearings, current versions of draft bills, and proposed amendments). There appears to be significant unused space on the web-server; and the Director of Information Technology indicates that he generally has sufficient staff to put information on the website as it is forwarded to him. Our discussions indicated that there is a database already structured to track legislation as it moves through the process, and that he has populated and tested this database with information for roughly 60 laws.   The constraint on making this information available on the website appears more an issue of organization and priority than one of technology. Currently, the Organization Department or the Legislation Department does not routinely send copies of the various versions of bills to the IT Department.

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[9] As this report was being prepared – on March 29, 2002; the page of English laws was last updated on March 22, 2002.

Approach and Suggested Activities.   The Speaker has approached NDI with a request for support in developing a Speaker's webpage. This could provide an excellent opening for work to broaden access to parliamentary information. Since the constraints on greater information dissemination relates to organizational priorities, it is important to develop support from the Speaker for work in this area.   By being responsive to the Speaker's office in developing this webpage, NDI should be able to strengthen working relationships with her and her office. The assessment team suggests the following specific activities:

IT Consultancy. A consultancy could be used to initiate greater program activity in this area and should be scheduled as soon as possible, preferably within the next three months. The consultancy could have multiple objectives including:

- Support to the Speaker. The consultant could meet with the Speaker to discuss access to information issues, parliamentary information technology, and the development of a Speaker's webpage. This consultant could work with the Speaker's Office to outline the design of the page and the strategy for drawing on in-house NDI and Parliament resources to produce the webpage.

- Recommend Procedural and Operational Changes to Get Information Regularly Posted on the Web. The consultant could review the current procedures regarding information flow and recommend changes (such as modifications to the bill tracking forms) to ensure that electronic copies are routed to the IT department at appropriate points in the legislative process.

- Parliamentary IT Mini-Assessment.   Significant resources have been expended on information technology within the parliament from 1996 through 1998, with some additional small investments since that time. Since 1998, however, there has not been much attention paid to this initial investment. There appear to be a number of very low-cost actions that should be taken to protect, maintain and better utilize this initial investment. For example, certain necessary software upgrades have been not occurred, weakening the integrity of the initial investment in the system. Similarly, minor expenditures on a UPS/surge protection system would allow for the network to be expanded to cover all of parliament.

- Proposals/Recommendations Regarding IT Outreach Technologies. There may be possibilities to integrate additional low-cost technologies into the current system to support greater citizen outreach. For example, there may be relatively low-cost ways to build upon the existing system to automatically send out information (broadcast faxes, mobile phone SMS (short-message service) text messages, or e-mail alerts), when committee

hearings or plenary sessions are scheduled on legislation on topics designated by the subscriber.

Production of a Speaker's Webpage. Although the consultant would provide recommendations regarding the structure and content of this page, this will require significant follow-up. The development of the content would be supported by NDI staff (working collaboratively with the Speaker's staff and parliamentary staff), working with Parliament's IT staff to do layout and format. It may involve the preparation of some original documentation on the Speaker's Role and Function in the Georgian Parliament. This may provide an opening to initiate a dialogue with the Speaker on these issues and provide limited technical assistance on the multiple roles of the Speaker, including the role of the Speaker in providing leadership to parliamentary institutional development. There may be opportunities to combine a consultancy on a coalition-building issue (by a former Speaker or majority leader) with targeted technical assistance on her role. The Speaker's webpage should be able to be completed within a six-month period.

Implementation of Recommendations for Procedural Changes. The IT consultancy could recommend broad procedural or organizational changes to improve the information flow to the IT department for posting on the web. These recommendations would need to be operationalized and would require significant NDI parliamentary staff support. It may require the drafting of specific guidelines for staff or modifications to existing procedures (e.g., changes to the four bill tracking forms used by the Organization Department to manage document flow in the parliament). Former Speaker Zhvania had designed the previous bill tracking system and modifications would presumably require approval by the current Speaker or the Secretary General to be implemented. Additional procedures and systems may need to be created to place new types of information (voting records, financial asset disclosure, etc.) on the web. Support for these activities would be ongoing over the remainder of the cooperative agreement, but that revised procedures and systems would be able to be implemented by the conclusion of the current cooperative agreement.

Follow-up on the Consultant's Recommendations for Enhanced IT Systems for Public Outreach. There may be some additional follow-up required by NDI staff, if the IT consultant concludes that there are opportunities to build on the existing information technology system to automatically send out information (broadcast faxes, mobile phone SMS (short-message service) text messages, or e-mail alerts) to notify subscribers of hearings or new legislation on specific issues. Depending on the nature of these recommendations, they may be able to be absorbed into the existing project and budget or may lead to the development of a proposal for additional parliamentary support.

Risks and Evaluation. The activities proposed in this component involve broadening access to certain types of information that are useful in strengthening citizen advocacy. They are intended to support parallel USAID efforts to strengthen citizen advocacy under the pending RFA. However, it is important to note that improved access to information alone, without improved citizen advocacy, will not create the political pressure needed to strengthen political accountability in the parliament. The success of

this recommended component in strengthening political accountability is contingent upon the success of USAID's citizen advocacy in creating greater demand for, and improving utilization of, this parliamentary information. As a result, evaluation should focus on project outputs – primarily changes in the information available on the parliament's website.

C.   *Committee Operations and Hearings*

__Summary__.   Strengthening committee operations and hearings is a third strategy for addressing the problem of weakened political accountability caused by parliamentary factionalization. It represents a synthesis of the preceding two approaches: issue-based coalition building and enabling greater citizen involvement in legislation as a way of promoting political accountability. Committees often provide the forum for compromises among the factional groups on specific legislation or issues. Through public hearings, committees also allow citizen input to be communicated to legislators. In Georgia, there is a wide variety of practice among committees and often committees have been ineffective in forming majority positions on policy issues.   The assessment team recommends conducting a series of activities to try to promote the effectiveness of committees in forging compromise positions and in gathering citizen input on proposed legislation: 1) highlighting the political benefits of well-managed committee processes as a method of encouraging reform by less effective committees, 2) developing additional documentation or materials regarding committee operations and hearings to support improved committee practice, and 3) consulting with committee chairs and providing hands-on support to committee staff in applying these materials and in planning and structuring hearings. Committees would be targeted based on a number of factors, including the importance of issues under the committee's jurisdiction to continued democratic reform. The materials developed by NDI would be useful in preserving expertise and best practice in light of relatively high staff-turnover and would be useful in developing a base of materials to be used in training new committee chairs and members after the 1993 parliamentary elections. Although building a legislative culture of effective committee operations and hearings is a long-term endeavor, evaluation would focus on qualitative assessments of changes in the operations of targeted committees and a review of materials produced by NDI to support improved committee operations.

__Background__.   The Regulations of the Parliament of Georgia provide for public hearings by committees on bills and require that notice and information about the public hearing be disseminated by the Parliament's press office at least seven days prior to the hearing date. The Regulations, however, do not provide any detail as to the organization and conduct of these public hearings. NDI's 2000 parliamentary assessment report indicated that, since the beginning of the current term of the parliament in 1999, there have been a number of changes and turnover in the chairs of the committees, resulting in a low level of activity among some of the committees. The 2000 assessment also found that "[w]hile some of the committees have numerous hearings on a variety of issues, others have gone through the first two sessions without holding a single sitting or hearing." It indicated that only a small group of NGOs are invited to attend committee

meetings or policy dialogues and media coverage of the committee work focuses more on personalities and interfactional conflict then the content of issues under consideration. The 2000 assessment report also noted that oversight activities by the committees, including oversight hearings, were infrequent and ineffectual.

Although only one committee hearing was observed during the assessment mission, the assessment team met with several of the more active committee chairs, several "tier one" NGO representatives that often testify at committee hearings, and the journalists who cover them.[10] Many of the problems identified during the 2000 assessment continue to warrant attention and new ones have arisen. Committees are composed based on the proportional representation of that faction. Chairs and the "first deputy chair" are generally representatives of the parliamentary majority; a second "deputy chair" comes from the minority party. As of the time of the assessment, committee leadership positions have not been reorganized to reflect the break-up of the majority coalition or other changes in faction representation. This has posed additional complications for committee functioning. These issues, unless resolved, may increase the use of extra-committee mechanisms, such as interfactional working groups, to resolve political stalemates on legislation in committee, further complicating the legislative process.

Committee oversight activity does not seem to be effectively managed. Although the Human Rights Committee is one of the more active committees, this activity could be made more effective and efficient. The Chair of the Human Rights Committee indicated that her committee received roughly 2000 letters, petitions, and complaints over the last year. Notably, the committee has four staff members and an interpreter to process these complaints.[11] A significant amount of effort appears to be directed at review of these individual complaints (fulfilling more an ombudsperson's role) than conducting oversight on specific patterns of human rights abuses or enacting legislation designed to address the systemic issues raised by the complaints. The chair indicated that some days she would meet with 30-40 complaintents. Oversight activities often seem focused on criticism and exposing scandal, without sufficient follow up to ensure that these oversight activities result in policy change.

During the committee hearing observed during the assessment mission, the vast majority of the initial dialogue involved discussion among committee members and other members of parliament who were present at the hearing but not a member of the committee. Citizen input (or, to be more precise, "tier-one" NGO input) on the legislation that was the subject of the hearing represented a relatively small percentage of

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[10] USAID RFA No. 114-02-018, issued February 8, 2002, describes various levels of NGO development within Georgia. "Tier one" NGOs are defined as: "Mature NGOs well-developed with regard to internal mission and organizational management structure. Usually have Supervisory Board of Directors, permanent employees and multiple funding sources… They often work effectively with national government for meaningful reform."

[11] She indicated her belief that staff professionalism has declined since 1995, largely due to low salary and turnover. Others agreed with this assessment, but also noted that many of these staff members have moved on to more responsible positions within the government and indicated that the parliament has provided a useful role in developing talent for other parts of government.

the committee hearing. The tendency of public hearings to involve a one-way flow of information from the parliament outward, rather then the collection of information, views, and opinions on a particular draft law or issue by the parliament from interested actors outside of parliament, reveals a lack of understanding about parliament's representative functions, a lack of will to engage in public outreach activities, and a lack of desire to incorporate and consider a range of public input on legislative issues. The assessment team heard from several individuals that public hearings in Georgia have taken on functions normally covered by press conferences in other countries. This was borne out in the hearing that was observed, with members making prepared statements for the benefit of the press. After these statements, members often left the committee meeting briefly to be interviewed by members of the press in the hallway immediately outside the committee room. During the hearing, unrecognized speakers were allowed by the chair to interrupt and divert the discussion for a significant amount of time. There did appear to be a clear distinction between the concept of a public hearing (where the focus is on receiving testimony on the merits of a piece of proposed legislation) and an open executive session or "mark-up session" of the committee (where the public observes the discussion among committee members in working through the provisions of the bill, but where the public does not participate). Based on reports from NGOs and journalists, there continues to be a wide degree of variation among committees regarding the level of activity and the level of public input that is sought.

Strategy and Proposed Activities. The assessment team recommends a strategy of consultations, support and assistance to targeted committees. Developing effective committee operations involves far more than legislative rule reform or the development of procedural manuals. There is a culture of effective committee functioning that needs to be developed and created. This process requires time and occurs at various speeds in different committees. Building this culture requires a degree of hand-holding, often over extended periods of time. The goal is to create a "critical mass" of committees that operate effectively and model good practice on an ongoing basis. Prioritization of efforts is crucial. The decision should be based on the issues under consideration, as well as the committees that will consider them.

In particular, NDI should consider: 1) the importance of facilitating citizen input on a given issue in encouraging continued democratic reform, 2) the skills of the committee chair, its members, and its staff, 3) NDI's working relationships with the committee chair and members, 4) the relative weaknesses and strengthens of the committee's current operations, 5) the likelihood that the committee chair and its members will benefit politically on the issue from a more effective and participatory committee process (if improved processes cause those who engage in them to benefit politically, it will create incentives for others to strengthen their committees), and, 6) the capacity of civil society to provide useful expertise and input on the issue.

In addition to the strategy of on-going support for improved committee operation, opportunities should be sought that increase and highlight the political benefits that accrue to committee chairs operating effective committees. Examples of good practice should be captured and incorporated into general procedures and guidance for committee

members and staff. There are benefits to trying to do this before the 2003 parliamentary elections. After the last elections, only four committee chairs from the previous parliament retained their chairmanships; similarly high levels of turnover can be expected following the 2003 elections. Staff turnover is also a problem. Opportunities to codify good practice should be sought over the remainder of the project; video or audiotaped examples and commentary from good committee chairs could both highlight good practice and be used (along with commentary from international experts) in developing training materials for staff and incoming committee chairs after the elections.

In particular, the assessment team recommends the following types of activities:

- Consultations and "Hand-holding". Using the criteria discussed above, NDI should select specific interventions to improve committee operations, particularly with respect to public hearings. A program directed at organizing and conducting formal public hearings involves working closely with members and staff of the particular committee on a number of inter-related tasks. Illustrative activities could include working with committee members and staff on how to: select a hearing topic and define an agenda; organize the logistical arrangements; prepare a calendar of activities leading up to the hearing; conduct research and policy analyses and briefing materials; develop lines of questioning for committee members; organize public and expert testimony; notify media and interested groups and individuals; record and organize the relevant information related to the hearing; and, develop amendments or other proposals to incorporate information gathered at a hearing. It also might focus on a specific objective or practice, such as supporting a site visit by committee members to a location outside of Tbilisi or targeting groups to testify that have not previously testified at a parliamentary hearing. Although levels of this assistance would fluctuate with the level of legislative activity, it is expected that NDI would provide substantial assistance to committee operations in handling four to six issues over the remainder of the cooperative agreement (involving perhaps two to three committees). Assistance would be provided primarily by NDI in-house staff, rather than outside consultants and should be coordinated with efforts to promote issue-based political coalitions.

- Modifying or Preparing Committee Operations Materials. While supporting these committee operations, NDI should evaluate opportunities to provide additional information on committee functions and to disseminate good practices to a broader range of committees. For example, if there is an opportunity to support a committee site visit outside of Tbilisi, as part of the assistance, it may be useful to develop checklists for staff in organizing and doing the advance work for the visit. If the sets of consultations and hand-holding described above involve targeting groups who have not previously testified in committee hearings it may be useful to devise a user-friendly guide on how to testify before a hearing.

- Highlighting Good Practice. NDI should explore methods of creating political incentives for good practice by highlighting examples of good practice. This may involve work with the media to provide expanded coverage of certain committee activities or work with civil society watchdog groups to question the leadership of inactive committees. Press coverage or video clips of good practice could be collected and compiled prior to the end of the cooperative agreement to have training materials for new committee chairs after the 2003 elections.

__Risks and Evaluation__. With the activities recommended under Sections V. A. and B., there are significant risks that the proposed activities may not achieve the desired results. There are fewer such risks for the activities proposed under this Section V.C., since there are fewer variables that could affect program objectives. It should be recognized, however, that the activities are likely to only directly affect a few targeted committees. Although the recommended activities should achieve concrete results by the end of the current cooperative agreement, the process of achieving broader changes in the "culture" of parliamentary committees will occur only over longer periods of time.

Under the current performance monitoring plan, one of the indicators for USAID's IR 2.2.2 (More Effective, Transparent and Fair Legal Sector Institutions) is the "[n]umber of hearings in select committees that are conducted pursuant to parliamentary procedures, open to the public and where public participation is actively solicited." Rather than focusing on the number of public hearings held or the number of committees holding public hearings, the program should measure the quality of the public hearings that are the target of NDI assistance activities. This can be done by developing a set of criteria to measure the effectiveness, efficiency and substantive impact of a public hearing. These criteria could include preparedness of committee members before the hearing; the number of different groups or individuals who made substantive interventions during the public hearing; the quality of the interventions made by those individuals or groups based on whether the interventions included specific examples of the issue or problem being addressed and factual information; and the quality and substance of amendments or revisions to a draft law made after a public hearing. Materials produced to support improved committee operations could also be evaluated as a program output, based both on member and staff evaluations of the usefulness and on their substantive content.

VI.   POSSIBLE FUTURE PROGRAM DIRECTIONS

The assessment indicated a number of areas of activity where future assistance could strengthen the legislative performance of the Georgian Parliament and enhance democratic governance in Georgia. In no particular order of priority, these potential assistance activities include the following:

A. Fiscal Accountability and Legislative Audit Capacity

The Parliament's performance in the budget review, analysis and oversight has been relatively weak, despite the presence of a well-respected Budget Office within the Parliament. The activities an assistance program could engage in to strengthen the parliament's performance in this area include: education and training for members and staff to improve the parliament's capacity to monitor government spending and revenues; program performance audits; and, investigation of fiscal irregularities. Although there exists a government audit institution – the Chamber of Control – that is supposed to be accountable to the parliament, this agency is generally viewed as largely ineffective. Strengthening the capacity of the parliament in this area, mainly through further development of members of the relevant fiscal and oversight committees and of the Budget Office staff, would enable parliament to conduct more in-depth analysis, review, and monitoring of government spending and performance.

B. Parliamentary Watchdog Capacity

The presence of an independent, non-partisan, and credible NGO that monitors and disseminates information about parliamentary performance can play an important role in promoting parliamentary transparency and accountability. Assistance for developing the capacity of such an organization could be an effective part of a future legislative strengthening strategy. Parliamentary watchdog organizations can advocate for more open and effective legislative and decision-making processes. Moreover, they can publicize cases of corruption, wrongdoing, or poor performance and push for higher standards of conduct, performance and ethical behavior by parliamentarians. Finally, they can highlight issues such as political party funding, campaign financing, voting records, attendance, and other information that could be relevant to electoral decision making.

C. Staff Management and Administration

For the Parliament to achieve its full potential as a democratically functioning legislative institution, it must be well managed and administered. The capacity to legislate effectively is, in part, a product of a well functioning legislative institution. The assessment revealed a number of staffing and organizational issues that could contribute to less then optimum administrative and management performance. Assistance could be provided to help the parliament improve its administrative and management systems. One such activity would be to assist the parliament with conducting an in-depth assessment of parliament's management and operations as part of a strategic growth planning process that evaluates current operational performance and future capital and administrative needs, sets institutional development goals and objectives, and results in the creation of a long-term institutional development plan. This assessment would be designed to address some of the key administrative and management performance issues such as staff turnover, reorganization, training, performance, facilities, equipment, and

budgetary resources. One result of this assessment and planning process would be a series of recommendations for improving the administrative and management operations of the parliament, which could then form the basis of potential assistance activities designed to improve the overall effectiveness and efficiency of the Georgian Parliament.